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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,147	02/27/2001	Guillaume Bichot	PF980034	5725
24498	7590	12/14/2004	EXAMINER	
THOMSON MULTIMEDIA LICENSING INC			NAJJAR, SALEH	
JOSEPH S TRIPOLI			ART UNIT	
PO BOX 5312			PAPER NUMBER	
2 INDEPENDENCE WAY			2157	
PRINCETON, NJ 08543-5312			DATE MAILED: 12/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,147

Applicant(s)

BICHOT ET AL.

Examiner

Saleh Najjar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the preliminary amendment filed on March 22, 2004. Claims 1-4 were amended. Claims 9-10 were canceled. Claim 11 was newly added. Claims 1-8, and 11 are pending. Claims 1-8, and 11 represent method and system for communication in a home network.

2. The non-patent literature and foreign reference cited on the information disclosure statement by the applicant on December 8, 2000 are missing from the application. Please submit the copies of the references cited.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al., U.S. Patent No. 6,208,952.

Goertzel teaches the invention substantially as claimed including a method and system for delayed registration of protocols (see abstract).

As to claim 1, Goertzel teaches a Communication method in a home network comprising at least two devices connected to a communication bus, wherein, a first device including an internet application and a second device including means for connecting to the network said method comprises the step of:

 sending a request from said first device to said second device for opening a

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connection between said first device and a network server, wherein said request contains a network application protocol identifier, corresponding to a protocol chosen among a plurality of protocols supported by the second device, to identify a network application protocol to be used over said connection for exchanging information between the first device and said internet server (see figs. 1-5; col. 4, lines 50-67; col. 5, lines 1-10, Goertzel discloses that when the client computer needs to communicate with the server, a request is sent to the server process 270 which includes the list of supported protocols and the network application used for communication);

- sending a network protocol request under the format of said network application protocol from said first device to said second device (see col. 5, lines 1-10, Goertzel discloses that the client sends a request to the server process 270);

- forwarding said internet protocol request from said second device to the network server (see col. 5, lines 1-30, Goertzel discloses that the request is forwarded to the server process through the communication process);

- upon receipt, transferring a response from said internet server to said first device through said second device over said communication bus (see col. 5, lines 1-67, Goertzel discloses that the communication response is forwarded from the communication process which originated from the server process).

Goertzel fails to teach the claimed limitation of an Internet server. Goertzel does teach that the server handles TCP/IP communication protocol (see col. 4, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goertzel by specifying the network serve as an Internet server since the same functionality of communicating using TCP/IP protocol is achieved.

As to claim 2, Goertzel teaches the method according to claim 1, wherein said request by said first device includes a message buffer size allocated to messages for the connection on the home network (se col. 6-9).

As to claim 3, Goertzel teaches the method according to claim 1 wherein said response includes the message buffer size allocated to said connection on the home network by said second device (see col. 6-9).

As to claim 4, Goertzel teaches the method of claim 1 above wherein on the home network the sending device splits data to be sent to receiving device into messages of a size which is smaller than the size of the message buffer of the receiving device (see col. 6-9) .

As to claim 5, Goertzel teaches the method according to claim 1, further including the step of sending, by said first device to said second device, a request for a list of network application protocols supported by said second device (see col. 5, lines 1-10).

As to claim 6, Goertzel teaches the method according to claim 1 , further comprising the step of sending, by said first device to said second device, an address of a function of said first device, said second device network responses to said first device as parameters of a call of said function (see col. 5-6).

As to claim 7, Goertzel teaches the method according to claim 1 , wherein said second device attributes a connection identifier to a connection requested by said first device, said connection identifier being sent from said first device to said second device as acknowledgment of receipt for said request for opening said connection (see col. 5-7).

As to claim 8, Goertzel teaches the method according to claim 7, wherein said first and second devices systematically use said connection identifier as parameter for function calls by said first device to said second device or vice-versa (see col. 5-9).

Claim 11 does not teach or define any new limitations above claims 1-8 and therefore is rejected for similar reasons

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a long horizontal flourish extending to the right.

Saleh Najjar

Primary Examiner / Art Unit 2157